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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,192	04/15/2004	Nelly Cesar	1-16606	9816

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TOLEDO, OH 43604

EXAMINER

BROWN, DREW J

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,192	<b>Applicant(s)</b> CESAR, NELLY	
	<b>Examiner</b> Drew J. Brown	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the support part having curves in the edge region of the recess must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 1 is objected to because of the following informalities: In line 2, "support" should be changed to --support part--. Appropriate correction is required.

3. Claim 6 is objected to because of the following informalities: In lines 2 and 3, "on the one hand" and "on the other hand" should be removed. Appropriate correction is required.

4. Claim 10 is objected to because of the following informalities:

In line 2, "recess ," should be changed to --recess,--.

In line 4, "one the one hand and, on the other hand" should be removed from the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 3 recites that the pattern is weakened in the edge region of the recess, but it appears that only the flap part is weakened via the notches 18'. The specification also does not disclose this limitation such that one of ordinary skill in the art would know how to weaken the pattern.

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7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 9 recites the limitation "the knee region of the vehicle occupants" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 10 recites the limitation "the carrier part" in line 4. There is insufficient antecedent basis for this limitation in the claim. As best understood by the Examiner and as disclosed in paragraph 26 of the specification, "the carrier part" should be changed to --the support part--.

Also regarding claim 10, the limitation that rear-foaming bonds the carrier part and the pattern, penetrates the cut foam at least partially and bonds into the rear-foaming renders the claim indefinite. As best understood by the Examiner, the cut foam is bonding with the rear-foaming, but as worded, it is unclear how the rear-foaming bonds into the rear-foaming.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batchelder et al. (U.S. Pat. No. 5,072,967) in view of Anglsperger (U.S. Pat. No. 6,443,484 B2) and Phillion et al. (U.S. Pat. No. 5,590,903).

With respect to claim 1, Batchelder et al. discloses an interior panelling part for automotive vehicles, having at least one weak point (20) for forming an opening (46, Figure 3) for the passage of an airbag (38), having a support part (28 and 36) and a pattern (18) on the visible side, which the pattern is applied on the support part (Figure 2), wherein the support part has a recess (recess including surface 32 and edge 30) in the region of a subsequent passage opening, which the recess is bridged at least partially by a flap part (22a), which is part of a foam layer (22), that is made of a softer material than the support part (the foam material is inherently softer than the support part).

Although Batchelder et al. discloses that a foam layer (22) is filled in behind the pattern (column 3, lines 6-7) on the side oriented towards the support part, Batchelder et al. does not specifically disclose that the process of filling the foam behind the pattern is rear-foaming. However, Anglsperger discloses that the process of rear-foaming airbag covers is old and well known in the art (column 1, lines 66-67), so it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Batchelder et al. in view of the teachings of Anglsperger to rear-foam the rear side of the pattern in order to easily provide the cover with foam.

Batchelder et al. also does not disclose that the foam layer has harder foam in the region of the recess than in the remaining regions of the foam layer. However, Phillion et al. discloses that the foam in the region of the recess (150) has a different hardness (column 6, lines 24-33)

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than the foam in the remaining regions (152). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Batchelder et al. in view of the teachings of Phillion et al. to have the different foam hardness values in order to ensure that the panelling breaks during deployment of the airbag without being hindered.

Although Phillion et al. does not disclose that the foam in the region of the recess is harder than the foam in the remaining regions, it would also have been obvious to one having ordinary skill in the art at the time the invention was made to have the foam in the region of the recess be harder, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

With respect to claim 2, Anglsperger discloses that it is old and well known in the art to embody the pattern as a leather layer (column 1, lines 65).

With respect to claim 3, Batchelder et al. discloses that the recess has an edge region (30), and the pattern is weakened in the edge region of the recess (weakened at 20, which is aligned with the edge region).

With respect to claim 4, Batchelder et al. discloses that the recess has an edge region and the support part in the edge region of the recess is provided with curves (portion of support part 36 below edge 30 that curves downward).

With respect to claim 5, Phillion et al. discloses that the foam in the edge region of the recess is weakened essentially circumferentially (seam 158).

With respect to claim 6, Batchelder et al. discloses that the flap part is connected to the support part via a hinge (50). Batchelder does not disclose that the hinge is made of woven fabric, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the hinge out of woven fabric, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

With respect to claim 7, Batchelder et al. discloses that the recess has an edge region, and the woven fabric in the edge region of the recess is narrowed (narrower at edge region 30 than at flap part in Figure 3).

With respect to claim 8, Anglsperger discloses that a sealing film (lamination; column 1, lines 66-67) is provided that bridges the recess and is associated with the rear-foaming.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batchelder et al. in view of Anglsperger and Phillion et al., and further in view of Saslecov (U.S. Pat. No. 6,092,836).

The combination of Batchelder et al., Anglsperger, and Phillion et al. discloses the claimed invention as discussed above but does not disclose that the recess is in the knee region of a vehicle occupant and configured for passage of a knee bag.

Saslecov, however, does disclose that the interior paneling could be arranged in a knee region for passage of a knee bag (Figure 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Batchelder et al. in view of the teachings of Saslecov to arrange the interior panelling in the



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knee region of an occupant for the inflation of a knee airbag to prevent submarining of the occupant during a collision.

14. Claims 1-5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillion et al. in view of Anglsperger.

With respect to claim 1, Phillion discloses an interior panelling part for automotive vehicles, having at least one weak point (174) for forming an opening (35) for the passage of an airbag, having a support part (34) and a pattern (170) on the visible side, which the pattern is applied on the support part (Figure 8), wherein the support part has a recess (recess between numeral 56 and 34) in the region of a subsequent passage opening, which the recess is bridged at least partially by a flap part (150), which is part of a foam layer (52), that is made of a softer material than the support part (the foam material is inherently softer than the support part).

Although Phillion et al. discloses that a foam layer (52) can be formed by the use of any suitable molding process known in the art (column 6, lines 18-20), Phillion et al. does not specifically disclose that the process of filling the foam behind the pattern is rear-foaming. However, Anglsperger discloses that the process of rear-foaming airbag covers is old and well known in the art (column 1, lines 66-67), so it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Phillion et al. in view of the teachings of Anglsperger to rear-foam the rear side of the pattern in order to obtain desired properties to enable the panelling to break, allowing the airbag to deploy properly.

Phillion et al. also discloses that the foam in the region of the recess (150) has a different hardness (column 6, lines 24-33) than the foam in the remaining regions (152). Although

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Phillion et al. does not disclose that the foam in the region of the recess is harder than the foam in the remaining regions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the foam in the region of the recess be harder, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

With respect to claim 2, Anglsperger discloses that it is old and well known in the art to embody the pattern as a leather layer (column 1, lines 65).

With respect to claim 3, Phillion et al discloses that the recess has an edge region (106), and the pattern is weakened (174) in the edge region of the recess.

With respect to claim 4, Phillion et al. discloses that the recess has an edge region and the support part in the edge region of the recess is provided with curves (102).

With respect to claim 5, Phillion et al. discloses that the foam in the edge region of the recess is weakened essentially circumferentially (seam 158).

With respect to claim 8, Anglsperger discloses that a sealing film (lamination; column 1, lines 66-67) is provided that bridges the recess and is associated with the rear-foaming.

With respect to claim 10, Phillion et al. discloses a method for producing an interior panelling part wherein, in the region of the recess, a cut foam part (150) covering the recess is placed on the support part (Figure 8), which rear-foaming bonds the support part and the pattern and penetrates the cut foam at least partially (at seam 158) and bonds into the rear-foaming, so that the produced rear-foaming has a harder foam in the region of the recess than in the remaining regions (152) of the rear-foaming.

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15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillion et al. in view of Anglsperger, and further in view of Saslecov (U.S. Pat. No. 6,092,836).

The combination of Phillion et al. and Anglsperger discloses the claimed invention as discussed above but does not disclose that the recess is in the knee region of a vehicle occupant and configured for passage of a knee bag.

Saslecov, however, does disclose that the interior paneling could be arranged in a knee region for passage of a knee bag (Figure 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Phillion et al. in view of the teachings of Saslecov to arrange the interior panelling in the knee region of an occupant for the inflation of a knee airbag to prevent submarining of the occupant during a collision.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jarboe et al., Kansteiner et al., Sato, Klingauf, Single et al., and Goto et al. disclose similar interior panelling for airbag modules.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Drew J. Brown  
Examiner  
Art Unit 3616

DJB  
4/14/06



**DAVID R. DUNN**  
**PRIMARY EXAMINER**